

Exonerating forfeiture of bail in certain circumstances

SB 599 by Lucio (Place)

DIGEST:	SB 599 would have added to the list of exonerating causes for which bail bondsman are excused from liability failure by a court to issue an arrest warrant for the principal within a reasonable time after (1) it has entered a declaration of forfeiture and (2) the bondsman has filed a written motion for an arrest warrant to be issued.
GOVERNOR'S REASON FOR VETO:	"This bill would exonerate a bail bondsman from having the bond forfeited under the following circumstances: (1) the defendant failed to appeal and a declaration of forfeiture had been issued; (2) the bondsman presents a written motion for a warrant or capias to be issued for the defendant; and (3) the court fails to issue the warrant or capias within a reasonable time. The issuance by the court of the warrant or capias has nothing to do with the responsibility of the defendant to appear and the bail bondsman to insure that appearance. The bondsman agrees to insure the appearance of the defendant; if the defendant does not appear, the bondsman should not be able to recover the amount posted as bond."
RESPONSE:	Sen. Eddie Lucio, the author of SB 599, said: "I am extremely disappointed that my bill allowing bail bondsmen the right to petition arrest warrants for people who fail to appear in court was vetoed by the governor. The objective of bail bonds is not to make money for counties, but to ensure that criminals are brought to justice and convicted if found guilty, instead of running loose on our streets."
NOTES:	SB 599 was analyzed in the May 24 <i>Daily Floor Report</i> .